IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

W.P. No. 891(M/B) 2003

Miss. Shikha Lal d/o Sri Brij Lal,
R/o 237 Transit Camp Raiwala,
Dehradun,
Distt. Dehradun ……..… Petitioner

Versus

State of Uttaranchal,
Department of Appointments,
Dehradun and others. ..…..…… Respondents

Mr. L.P.Nithani/Mr. Rakesh Thapliyal, Advocate for the petitioner.
Mr. N.B.Tiwari, learned Chief Standing Counsel.
Mr. U.K. Uniyal, Advocate for the respondents No. 2 & 3.

Coram: Hon. S.H.Kapadia, C.J.
Hon. Rajesh Tandon, J.

Dated: 23.09.2003:

PC:

Uttaranchal Public Service Commission issued an advertisement on 25th August 2002 inviting applications for the post of Executive (Class II). As per the advertisement, the examination was to be held in December 2002. As per the advertisement, the eligibility age was between 21 years and 35 years as on 1st July 2002. The exams were to be held in December 2002. For some reasons, they have been postponed by about one year.

On behalf of the petitioner, it has been argued that admittedly she was under-age and she was below 21 years on 1st July 2002. However, since exams were postponed to September 2003, she should be permitted to appear in the examination. We do not find any merit in this argument. The exams are held as per the advertisement. The advertisement has not been challenged. Under the advertisement, every candidate has to fall within the age group of 21 of 35 years on 1st July 2002. Admittedly, the petitioner was under-age. Hence, there is no merit in the writ petition. Writ petition is rejected.

Before concluding it may be mentioned that in this case it was argued that in the interest of justice, the petitioner should be permitted to appear for exams as they are to be held in September 2003, as the petitioner would cross the age of 21 by then. We do not find any merit in this argument. It is not for this Court to fix the eligibililty criteria. If we are to allow this petition, it would disturb the entire process because some candidates who were eligible to appear for examination on 1st July 2002 may be age-bared if we were to postpone the eligibility criteria to 1st September 2003 as is sought to be contended. This would raise enormous difficulties. Hence, the writ petition is rejected.

(Rajesh Tandon, J.) **(S.H. Kapadia, C.J.)**

Gurpreet